

## **Exhibit 3**

Shiloh S. Hernandez  
Earthjustice  
313 East Main Street  
P.O. Box 4743  
Bozeman, MT 59772-4743  
T: 406.586.9692 ext. 1929  
shernandez@earthjustice.org

Nathaniel Shoaff (*pro hac vice*)  
Sierra Club  
2101 Webster Street, Suite 1300  
Oakland, CA 94612  
(415) 977-5610  
nathaniel.shoaff@sierraclub.org

*Attorney for Plaintiff Sierra Club*

Melissa A. Hornbein  
Western Environmental Law Center  
103 Reeder's Alley  
Helena, Montana 59601  
(406) 204-4861  
hornbein@westernlaw.org

*Attorneys for Plaintiffs*

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MONTANA  
GREAT FALLS DIVISION**

WESTERN ORGANIZATION OF  
RESOURCE COUNCILS et al.,

Plaintiffs,

vs.

UNITED STATES BUREAU OF  
LAND MANAGEMENT,

Defendant,

and

STATE OF WYOMING,

Intervenor-Defendant.

Case No. 4:20-cv-00076-BMM-JTJ

**DECLARATION OF JEREMY  
NICHOLS**

I, Jeremy Nichols, hereby declare:

1. I reside in Missoula, Montana and have since May 2021. I previously resided in Golden, Colorado.

2. I am a member and employee of WildEarth Guardians and have been since July 2008. WildEarth Guardians is a non-profit environmental advocacy organization dedicated to protecting and restoring the wildlife, wild places, wild rivers, and health in the American West. A statement of WildEarth Guardians' mission and its general goals is online at <https://wildearthguardians.org/about-us/mission-vision-history/>. WildEarth Guardians is headquartered in Santa Fe, New Mexico, but maintains offices in Denver, Missoula, Portland, Seattle, and Tucson. I support the mission of the organization, both personally and professionally.

3. I am the Director of WildEarth Guardians' Climate and Energy Program. WildEarth Guardians' Climate and Energy Program aims to confront the effects of global climate change to protect the wildlife, wild places, wild rivers, and health of the American West. As Director of the Climate and Energy Program, I advocate for clean energy solutions that can help our society shift away from the use of fossil fuels in order to safeguard our climate, our clean air, and our communities, including public lands that sustain much of the American West.

4. I am also a member of the Center for Biological Diversity (“the Center”) and have been since at least 2012. The Center is dedicated to protecting and restoring imperiled species and natural ecosystems. I share this interest with the Center, which includes protecting public lands, wildlife habitat, health, and the climate.

5. I am also a member of the Sierra Club and have been since 2011. The Sierra Club has more than 1.4 million members and supporters who work for a safe and healthy community in which to live, smart energy solutions to combat global warming and an enduring legacy for America's wild places. Since 1892, the Sierra Club has been working to protect communities, wild places, and the planet itself. Sierra Club is the oldest and largest environmental organization in the United States. It has been a priority of the Sierra Club nationally and locally to stop irresponsible coal mining and oil and gas drilling, curb global warming, and ensure clean air and clean water for all.

6. I am an avid outdoor recreationist and enjoy traveling throughout the western United States to visit, explore, and enjoy public lands. I enjoy hiking, camping, rockhounding, river floating, fishing, picnicking, skiing, bicycling, birdwatching and general wildlife viewing, finding edible plants, and just experiencing the beauty and natural condition of public lands outdoors in the

American West. I visit public lands for recreational and aesthetic enjoyment on nearly a daily basis.

7. I am very familiar with the U.S. Bureau of Land Management's Miles City and Buffalo Field Offices, located in eastern Montana and northeastern Wyoming, respectively. I regularly visit public lands in this region, primarily lands managed by the U.S. Bureau of Land Management, for recreational and aesthetic enjoyment. I have visited public lands in this region at least 3-4 times a year for over 20 years. I am very familiar with the geography of this region and greatly enjoy its unique landscape. The Miles City and Buffalo Field Offices encompass a swath of high Great Plains country that includes vast rolling hills, stunning buttes, ponderosa pine breaks, expansive grasslands and sage steppe. I love to visit this region and enjoy the wide open skies, the limitless views, and the ability to explore and even get lost in its beautiful and complex geology and natural setting.

8. In my visits to the region, I have enjoyed recreating outdoors on public lands in a number of locations in the Miles City and Buffalo Field Offices. The areas I've visited include, but are not limited to:

- Lands in the Tongue River drainage of Big Horn and Rosebud Counties, Montana and Sheridan County Wyoming. I've hiked on Bureau of Land Management-managed public lands in these areas at

least 2-3 times a year for more than a decade. I enjoy visiting the rolling hills of the Tongue River drainage and observing wildlife, including bald eagles, deer, elk, and more. I most recently visited in the summer 2020 to hike on public lands adjacent to the Tongue River Reservoir. I intend to return to these lands to hike and view wildlife in November 2021.

- Lands in the Armells Creek drainage near Colstrip, Montana in Rosebud County, which I've visited at least every two years for a decade or so. I most recently hiked on Bureau of Land Management-managed public lands in the West Armells Creek drainage in the summer of 2021. I intend to return to these lands to hike in the summer of 2022.
- Lands in the Powder River drainage in the Kaycee, Wyoming area in Johnson County. I've hiked on these lands around once every two years for the past 15 years. I frequently travel on Interstate 25 in this region and enjoy pulling off to hike and observe wildlife for a couple hours on public lands in the Kaycee area. I most recently hiked and viewed wildlife on Bureau of Land Management and State of Wyoming-managed lands in the Powder River drainage east of

Kaycee in the summer of 2020. I intend to return to hike on these lands in November 2021.

- Lands that are part of the Thunder Basin National Grassland south of Wright, Wyoming in Campbell County. I've visited these lands for recreational and aesthetic enjoyment an average of once every two years for the past 15 years. These lands are amazing treasures. The Thunder Basin National Grassland is a unique swath of protected public lands full of rolling hills, creeks, and clinker buttes. I most recently hiked, viewed wildlife, and rockhounded on these U.S. Forest Service-managed lands in the summer of 2018. I intend to return to visit these lands in summer of 2022.

I have visited a number of other locations in the Miles City and Buffalo Field Offices in my years of recreating outdoors in the western U.S. and intend to continue to regularly visit public lands in these Field Offices for recreational and aesthetic enjoyment for the foreseeable future.

9. In my visits to public lands in the Miles City and Buffalo Field Offices, I have observed oil and gas extraction and coal mining activity. It is often extensive and impossible not to notice.

10. In recent visits to public lands in the Tongue River drainage in the Miles City Field Office, I have observed coal mining at the Spring Creek and

Decker coal mines. During my last visit, I observed heavy equipment activity, saw dust blowing from piles of overburden, and heard the sounds of rail traffic and machinery echoing across the landscape. Much of this coal mining activity was authorized by the Bureau of Land Management via the sale of federal coal leases to private companies. During my most recent visit to the Tongue River area near the Spring Creek and Decker coal mines, I also observed oil and gas well drilling and flaring. This activity was offensive to observe and interfered with my enjoyment of the outdoors. I confirmed this activity was authorized by the Bureau of Land Management via the sale of federal oil and gas leases to private companies. This coal mining and oil and gas extraction activity diminished my recreational and aesthetic enjoyment of public lands in the area.

11. In recent visits to public lands in the Armells Creek area in the Miles City Field Office, I observed coal mining activity at the Rosebud Coal Mine. This mine also fuels the nearby Colstrip power plant. There is extensive mining-related activity in the area. During my last visit, I observed heavy machinery, dust and other air pollution, piles of overburden, pits, and exposed cuts in hillsides. The sounds of heavy machinery, smells of diesel exhaust and coal-fired power plant emissions, and sights of extensive land degradation are abundant in the region. Much of this activity was also enabled by the Bureau of Land Management's sale of federal coal leases to private companies. The sights, sounds, and smells of coal



mining and associated activities diminished my recreational and aesthetic enjoyment of public lands in the region.

12. In recent visits to public lands in the Kaycee area in the Buffalo Field Office, I observed extensive oil and gas extraction activity, including oil and gas well sites, processing facilities, wellfield truck traffic, and heavy machinery used in the service of oil and gas production. I observed and smelled air pollution from well sites and related activity and I observed and heard heavy machinery rumbling on county roads in the area and disturbing the natural landscape. Much of this oil and gas extraction activity was enabled by the Bureau of Land Management's sale of federal oil and gas leases to private companies. This oil and gas extraction activity diminished my recreational and aesthetic enjoyment of public lands in the area.

13. In recent visits to public lands on the Thunder Basin National Grassland, I observed extensive oil and gas extraction activity and coal mining. In this area south of Wright, Wyoming, the largest coal mines in the Powder River Basin operate, including the Antelope, North Antelope-Rochelle, and Black Thunder coal mines, and there has been a recent boom in oil and gas drilling and hydraulic fracturing. While the Thunder Basin National Grassland is otherwise a beautifully wild landscape, the coal mining and oil and gas extraction activity greatly detracts from the natural character and beauty of these public lands. The

coal mines produce huge clouds of dust and particulate matter, and orange clouds resulting from blasting activities. The sights, sounds, and smells of heavy equipment, train locomotives, earth movement, and conveyor systems is rampant in this area. Mining has created massive pits in the ground and destroyed land that was otherwise undeveloped. Mining has even eaten into the Thunder Basin National Grassland, irreversibly destroying what was once publicly accessible and valuable land. The oil and gas extraction activity is also rampant, with rigs, well site equipment, pumpjacks, pipelines, and processing facilities located on the Thunder Basin National Grassland, sometimes directly adjacent to the coal mines. The sights, sounds, and smells of this oil and gas extraction activity are extensive. During my last visit, I observed flaring, diesel exhaust spewing from drill rigs, truck traffic kicking up dust, pumpjacks roaring, and pipelines being build. I smelled air pollution from tanks and engines. This oil and gas extraction and coal mining activity was largely enabled by the Bureau of Land Management, which sold the federal coal leases enabling mining and the federal oil and gas leases that enabled drilling and hydraulic fracturing to occur.

14. As I continue to visit public lands in the Miles City and Buffalo Field Offices, oil and gas extraction and coal mining will diminish my recreational and aesthetic enjoyment. I find the industrial activity associated with coal mining and oil and gas extraction to be offensive to observe, concerning over its effects to my

health and safety, a disruption to the natural beauty of public lands, and inconsistent with fully enjoyable outdoor recreational activities.

15. I'll also add that coal mining in the Miles City and Buffalo Field Offices adversely impacts my quality of life in Missoula. I know for a fact that much of the coal mined from Spring Creek is shipped to the west coast by rail. These trains frequently pass through Missoula, hauling coal westward and empty coal cars eastward. As these trains pass through town, they are very disruptive. These coal trains are longer than other freight trains and require more locomotives to move. They block traffic at a key thoroughfare in north Missoula, the Greenough Drive corridor, which I frequently travel to and from my home. These trains are also very loud, both from horns and the rumbling sound of the train cars and locomotives, and spew large amounts of diesel exhaust. At times, coal dust blows from the open cars of these coal trains. I worry about the impacts these trains have on my health and well-being. They interfere with my quality of life and diminish my enjoyment of living in Missoula. I recreate outdoors in Missoula virtually every day. When I hike on public lands near the rail corridor, such as on Waterworks Hill or Mount Jumbo, the coal trains diminish my enjoyment of the outdoors.

16. I am aware that the Bureau of Land Management recently approved Resource Management Plans for the Buffalo and Miles City Field Offices. I am

aware that in approving these plans, the agency did not appropriately weigh whether federal oil and gas and coal leasing should be curtailed in order to address the health and environmental impacts of coal mining and oil and gas extraction. Among these impacts are the greenhouse gas emissions resulting from the production and consumption of coal and oil and gas, which are fueling the global climate crisis. In the western U.S., the climate crisis is worsening droughts, leading to more frequent and severe wildfires, reducing snowpack and water supplies, altering fish and wildlife habitat, increasing temperatures, and creating more extreme weather. In approving the Resource Management Plans for the Buffalo and Miles City Field Offices, the Bureau of Land Management did not appropriately account for the climate impacts of allowing more oil and gas and coal leasing nor did the agency consider restraining future fossil fuel leasing in order to aid in reducing greenhouse gas emissions and addressing the global climate crisis.

17. If the Bureau of Land Management appropriately addressed the consequences of authorizing future oil and gas and coal leasing within the Miles City and Buffalo Field Offices, the agency would likely have taken steps to address these consequences, such as by making minerals unavailable for leasing or otherwise restricting future development.


18. If fossil fuel leasing in the Miles City and Buffalo Field Offices was constrained, it would ensure that my recreational and aesthetic enjoyment of public lands in the region would not continue to be diminished and undermined by coal mining and oil and gas extraction. It also would likely lead to reduced coal train traffic through Missoula, which would enhance my quality of life and recreational and aesthetic enjoyment of public lands in and around Missoula. Over the last several years, the Bureau of Land Management has sold hundreds of thousands of acres of oil and gas leases in the Miles City and Buffalo Field Offices. In early 2022, the Bureau of Land Management has stated that it intends to sell more oil and gas leases in the Miles City and Buffalo Field Offices. The Bureau of Land Management has also recently sold extensive tracts of federal coal leases in both the Miles City and Buffalo Field Offices. Currently the agency is weighing whether to approve new leases that would expand the Spring Creek and Antelope mines.

19. New leasing will lead to expanded coal mining and oil and gas extraction activity, which will harm me by further diminishing my recreational and aesthetic enjoyment of public lands in the Miles City and Buffalo Field Offices. If new leasing does not occur or otherwise is constrained, the harms I would otherwise experience would be ameliorated. My recreational and aesthetic

enjoyment would not be as diminished as I continue to regularly visit public lands in the Miles City and Buffalo Field Offices for the foreseeable future.

I declare under penalty of perjury that the foregoing declaration is true and correct.

Dated: October 28, 2021,

  
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Jeremy Nichols